



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 9, 1998

Mr. Charles M. Allen, II  
Legal Office  
Richardson Police Department  
P.O. Box 831078  
Richardson, Texas 75083-1078

OR98-3012

Dear Mr. Allen:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120199.


The City of Richardson (the "city") received a request for a police officer's personnel file, including training records, performance reviews, and complaints filed against the officer. You state that the officer issued a traffic citation to the requestor and at the time of the request, trial was pending. You thus assert that section 552.103(a) protects the records from disclosure. To show that section 552.103(a) is applicable, a governmental entity must show that (1) litigation is pending or reasonably anticipated and (2) the information at issue is related to the litigation. *University of Texas Law Sch. v. Texas Legal Found.*, 958 S.W.2d 479 (Tex. App.--Austin, 1997, no pet.), *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 at 4 (1990).

We agree that, assuming the trial or an appeal is still pending, you have shown the applicability of section 552.103(a) to the requested records. We note, however, that the applicability of section 552.103(a) ends once the litigation has concluded. Attorney General Opinion MW-575 (1982), Open Records Decision No. 350 (1982). However, you may not release confidential information from the personnel file even after litigation has concluded. Gov't Code § 552.352 (providing for criminal penalties for release of confidential information).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written in a cursive style.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 120199

Enclosures: Submitted documents

cc: Mr. Malcolm C. Barrow  
5408 Orchard Drive  
Sachse, Texas 75048  
(w/o enclosures)